

teenagers and focused on racial intolerance as it exists in the streets, at school, and in employment. In September, we broadcast a locally produced program dealing with youth violence entitled "Under the Anger: Youth Violence, Today's Problem -- Tomorrow's Crisis."

In the first quarter of 1994, we broadcast eight children's programs directed at their educational and informational needs. Every weekday, we broadcast "XUXA" at 9 AM, "Romper Room" at 2 PM and "Animaniacs" at 4 PM. On Saturday, my station broadcasts "Pick Your Brain" at 6 AM, the "What's Up Network" at 7:30 AM and "Where in the World is Carmen Sandiego" at 11:30 AM. On Sundays, WSYT airs "Adventures in Wonderland" at 7 AM and "Bill Nye the Science Guy" at 7:30 AM. In addition to regularly scheduled programming, we broadcast a special involving Mothers Against Drunk Driving entitled "Hollywood Gets M.A.D.D." on Friday at 10:30 PM.

Also, we continue to broadcast our full compliment of educational and informational public service announcements and locally produced short segment programs. For example, we broadcast a series of short segment messages called "Felix Says," which run during our weekday morning and afternoon children's programming. Felix, the station's mascot, gives tips on issues such as bike safety, baby sitting, how to cross the street safely and what to do in the case of a fire.

Beginning this year we have commenced broadcasting the "Kids Club Minute." This short segment program is produced in

conjunction with local schools. Students write one minute essays on topics they believe are important. The essays cover issues such as recycling, staying off drugs, whales, the environment, how to study and safety tips. The students then come to the studio and are taped for broadcast. These segments air twice each day during our morning and afternoon children's programs.

WSYT is in the process of developing a new short segment program called "Kids Club Crew." Students from the local area serve as hosts. The "Crew" will visit places of local educational interest such as the zoo, museums and the ball park. The show will have the students ask questions from a "kid's" perspective. At this point in time, we plan to broadcast this program in five minute segments during the "What's Up Network" show on Saturday mornings. Also, we plan to use "Kids Club Crew" segments as "wrap arounds" during our weekday children's programming.

In summary, WSYT has dramatically increased its programming since 1990. At that time, we had only one regularly scheduled children's program that was directed at the educational and informational needs of children. By 1994, the number of these programs increased eight fold. Also, the overwhelming majority of these programs are being broadcast after 7 AM. We will continue to broadcast and produce specials addressing specific topics for kids and teens. Moreover, my station will continue to broadcast short segment programs for children.

I am proud of WSYT's commitment to children's educational and informational programming. My station is not unique. There has been a steady increase in the amount of children's educational and informational programming appearing on almost all Independent television stations.

II. THE SYNDICATION MARKET IS WORKING

As a Fox affiliate, WSYT is fortunate to have programs, such as "Where in the World is Carmen Sandiego" that are supplied by the Fox network. However, another important source of educational and informational programming is the syndication market. Indeed, for non-Fox affiliated Independent stations, the syndication market is extremely important.

As with most programming ventures, some programs are successful in the marketplace while others are not. The syndication market for children's educational and informational programming is no exception. Despite the ups and downs of particular programs, there has been a steady increase in the overall amount of children's educational and informational programming that is available for stations to purchase. A recent analysis of the children's syndication market conducted by INTV supports this conclusion.¹

According to INTV's conservative syndication analysis, the number of educational and informational shows "cleared" has more

¹INTV's analysis is attached to this testimony as Exhibit A.

than tripled since 1990.² INTV identified eight shows that together were "cleared" on 576 stations during the 1990 November sweeps period. By November, 1993, there were 19 such shows "cleared" on 1,746 television stations.

These statistics underestimate the total number of hours of children's programs that are available in syndication. The analysis lists each program individually. However, some programs, such as "Captain Planet," and "Widget" are broadcast five times a week. Accordingly, in terms of hours of programming, the number of programs available to America's children is even greater than indicated in the analysis.

Moreover, this is a very conservative estimate of children's educational and informational programs. There are numerous programs, which both the Congress and FCC would consider to be educational and informational, that are not included in the analysis. The purpose of the study was to focus on the types of

²For example, "Adventures in Wonderland" was cleared by television stations in 151 markets during November 1993 sweeps period. "Bill Nye: The Science Guy" was cleared by television stations in 183 markets. Programs are generally sold to one station per market. Accordingly, 151 television stations were broadcasting "Adventures in Wonderland" and 183 television stations were broadcasting "Bill Nye." It is possible, however, that a single television station in a particular market purchased both programs. Nevertheless, both programs were broadcast on one or more stations in any particular market. Accordingly, analyzing market clearances or "exposures" provides an accurate indication of the availability of such programming to children in each market.

shows that everyone agrees are educational and informational programs.³

Syndicated programs can be sold to all stations, both affiliated and non-affiliated. An examination of Independent stations demonstrates that the number of children's educational and informational syndicated programming has increased significantly. In 1990, the programs surveyed received 219 broadcast exposures on Independent stations. In November of 1993, the number of broadcast exposures on Independent stations tripled, amounting to 724 clearances.

The growth in the number of stations clearing these programs represents an increase not only in the quantity of programs, but the quality as well. Programs such as "Adventures in Wonderland" and "Bill Nye the Science Guy" were simply not available until 1993.

Moreover, the syndication market is producing additional educational and informational programming for the 1994 season. One of the more popular offerings is "The Adventures of Blinky Bill." This program has been recommended by the National Education Association which stated, "This program introduces new

³ Accordingly, this analysis underestimates the amount of children's educational and informational programs that are available in the syndication market. For example, traditional programs such as the "Care Bears" and "Winnie the Pooh" which clearly serve the informational needs of younger, pre-school children are not included in the analysis. INTV's purpose was to focus on an illustrative list of educational children's programs that both sides of the debate would agree are either educational or informational. INTV does not believe, nor does it imply, that syndicated shows not listed do not meet the educational and informational requirements of the 1990 Children's Television Act.

concepts and themes to the young in a manner that makes learning enjoyable." Twenty six half-hour episodes have been produced. The program has already been sold to 123 television stations, reaching 87.9 percent of all U.S. television households.

III. STATION SURVEYS DOCUMENT AN INCREASE IN CHILDREN'S EDUCATIONAL AND INFORMATIONAL PROGRAMS.

In addition to its analysis of the syndication market, INTV surveyed 100 of its member stations; receiving 70 responses. The survey compared the amount of children's educational and informational programs broadcast during the first quarter of 1990 and the first quarter of 1994. The survey included all children's educational and informational programs, both syndicated shows and locally produced shows. Because INTV's membership includes Fox affiliated stations, the survey also included children's programs appearing on the Fox network.

The survey asked stations to list programs that they believed served the educational and informational needs of children. Looking at the responses for 1994, not one survey attempted to list the "Jetsons," the "Flintstones" or similar children's shows as programming designed to meet the educational and informational needs of children. Accordingly, concerns raised before the subcommittee last year that broadcasters were attempting to rely solely on such programming to meet their obligations under the 1990 Children's Television Act are

misplaced. Television stations have a clear understanding of their obligations.

For regularly scheduled half-hour programs, the stations surveyed broadcast 322 programs per week during the first quarter of 1994. On average, Independent stations are broadcasting approximately four regularly scheduled half-hour educational and informational programs per week. In 1990, stations averaged less than one educational or informational program per week. Looking at the time in which these programs were broadcast, approximately 80 percent of these shows were broadcast after 7 AM during the first quarter of 1994.

Analyzing programs underestimates the total hours of children's educational and informational programming that was available during the first quarter of 1994. Some programs are broadcast once a week on the weekends, while others appear five times during the week. When this fact is taken into account, Independent stations averaged over four and one half hours of regularly scheduled children's educational and informational programs per week during the first quarter of 1994.

Apart from regularly scheduled programs, Independent stations have also increased the number of children's educational specials. In the first quarter of 1990, Independent stations broadcast 19.5 hours of children's educational specials. In the first quarter of 1994, Independent stations broadcast 63.5 hours of children's educational and informational specials. The

overwhelming majority of these specials occurred on the weekends between 11 AM and 5 PM.

Independent stations are meeting their obligations not only by purchasing syndicated programs, but also by producing local programs designed to meet the educational and informational needs of children. In fact, locally produced children's specials are commonplace in the Independent television industry. Some examples of locally produced children's specials are:

- "Family 2 Family"-- KTVU, Oakland
- "Kidstuff Connection"-- WZTV, Nashville
- "Focus 21: Smart Kids Safe Kids"-- WHNS, Greenville
- "The Color Thing,"-- WGNO, New Orleans
- "Talk It Out" and "Lean on Me"-- WFXT, Boston
- "Kids Wanna Know"-- KTXL, Sacramento
- "Kids Land Specials"-- WUAB, Cleveland
- "For Kids Only"-- WVAH, Hurricane, West Virginia
- "39th Street"-- WDZL, Miami
- "Kids Like You"-- WRGT, Dayton
- "Flash Factory" and "Fit to be Kids"-- WBFS, Miami
- "The Cosmic Challenge"-- WGN, Chicago
- "A+ For Kids"-- WWOR, Secaucus, New Jersey

This list in no way exhausts the number of locally produced children's specials appearing on Independent television stations. It merely provides an illustrative list of the types of programming available to children in today's marketplace.

In addition to specials, stations are beginning to develop regularly scheduled children's programs. For example, KCOP in Los Angeles broadcasts "LA Kids" every week. WPTY in Memphis broadcasts the "Joe Cool Show." KPTV in Portland airs the teen oriented show "Smith's High 5" every Saturday morning.

The development of these shows at the local level serves as a test market for distributing the shows nationally. For

example, KSAS developed "Jake's Attic" which was placed in national syndication. Another example is WGN's "Energy Express."

Finally, the surveys reveal that stations are broadcasting literally thousands of educational or informational public service announcements and short segment programs. These educational vignettes are appearing throughout local Kid's Club programs, afternoon children's programs and on weekend mornings. These messages should not be underestimated. The entire advertising industry is based on transmitting multiple short-segment messages. The effectiveness of this method in reaching children is beyond dispute. Accordingly, it makes sense to employ similar techniques to distribute educational and informational messages to children.

IV. REGULATORY RESPONSES AND PUBLIC POLICY

The Federal Communications Commission has a pending proceeding examining the industry's implementation of the 1990 Children's Television Act. We all share the same goal -- providing educational and informational programming to our nation's children. Nevertheless, the government cannot ignore the commercial realities of the marketplace. Indeed, commercial realities are predicated on the viewing patterns of the children themselves.

The economic realities of the television business and the goals of the framers of the Children's Television Act are not

mutually exclusive. We all want to see a variety of educational children's programming that kids want to watch. From a public policy perspective, it makes little sense to force programming on the air that will not be viewed by children. Regardless of the educational content of a program, it will have little or no influence on America's children if no one watches it.

While the 1990 Children's Television Act focuses on broadcast television stations, it is important to note that we are not the only video provider in the market. In cable households, children have the option of watching a variety of cable networks. According to the Cable Advertising Bureau, basic cable networks receive a combined viewing share of 68 percent for children ages 2-11. The broadcast networks receive an 18 percent share and syndicated programs receive a 14 percent share.⁴ What this means is that if we broadcast an unpopular children's program, the children themselves will switch to cable networks.

When viewed in this context, the government must be careful when crafting additional children's television regulations. At the present time, two fundamental issues are before the Federal Communications Commission: 1) whether additional quantitative standards should be enacted and 2) whether rules should be adopted narrowing the definition of programming that is designed to meet children's educational and informational needs.

⁴ Communications Daily, November, 7, 1993; citing data compiled by the Cable Advertising Bureau and MTV. See Appendix B attached.

As to the quantitative issue, INTV questions whether an "hour-a-day" requirement would serve the public interest. The program market is producing a number of good quality children's programs. However, we have not reached the point where these programs can be "stripped" and shown on a daily basis. There is no doubt that if such regulations were enacted, stations would scramble to meet the requirement. However, this means putting on any educational show, regardless of its popularity with children. The first thing you will see is that viewing for these shows would be extremely low. Stations will lose vitally important revenues that could have been used to purchase top quality educational shows that would be watched by children. Quality children's programming is expensive. For example, when "Beakman's World" was first marketed to Independent stations it cost over \$200,000 per episode. Simply stated, if mandated quantitative standards are set unrealistically high you end up trading quality for quantity.

Such an approach would not serve the public interest. It makes little sense for the government to force broadcasters to air programs children will not watch. What educational value is there in having children change channels?

The second area of concern is whether a stricter definition of children's educational and informational programming should be adopted. I believe that stations and programmers should be given the flexibility to explore formats that achieve the statute's goals while at the same time attracting audiences and advertiser

support. My fear is that programmers will feel too restricted if the government's definition focuses solely on whether the program's primary intent is to educate and inform. Many of the larger program producers may feel that, in order to qualify under the definition, a program will have to forego much of its entertainment value. Program producers, be they syndicators or networks, are in the business of producing entertainment programming. Their programs need to attract audiences in order to be economically viable. If restrictive definitions are enacted, particularly rules which focus on the intent of the program's producer, program suppliers may simply move on to other, perhaps more lucrative, projects. Remember, no one forces a production company to produce educational or informational programs for children.

Moreover, a government rule focusing on a program's primary "intent" misses the point. Does it really matter whether the program's purpose was to educate as opposed to entertain? The real issue is whether the program in fact educates, informs, and entertains. It is the final product that counts, not the intent of the program producer.

The 1990 Children's Television Act, as presently drafted, has led to a dramatic increase in quality educational and informational programming for children. This has been accomplished without strict quantitative standards and without an overly strict definition of what is educational and informational

programming. The Act has worked, leading to levels of programming unheard of in 1990.

Nevertheless, INTV recognizes that the government may desire to be more explicit in its expectations of licensees' behavior. Such a policy would help the good broadcaster protect its license from challenges based on uncertain standards. It will also provide guidance to the few remaining broadcasters who simply "do not get it."

To this end, INTV has proposed that the Federal Communications Commission issue a policy statement concerning children's programming. According to the proposal, any television station which broadcasts during its license term two hours of programming which responds to the educational and informational needs of children per week on average shall be considered to have complied with the programming requirements of the 1990 Children's Television Act.

Under this proposal, at least one of the two hours would have to be standard-length "core" programming designed to serve the educational and informational needs of children. The second hour could include short-segment programming or other programming which serves the informational or educational needs of children.

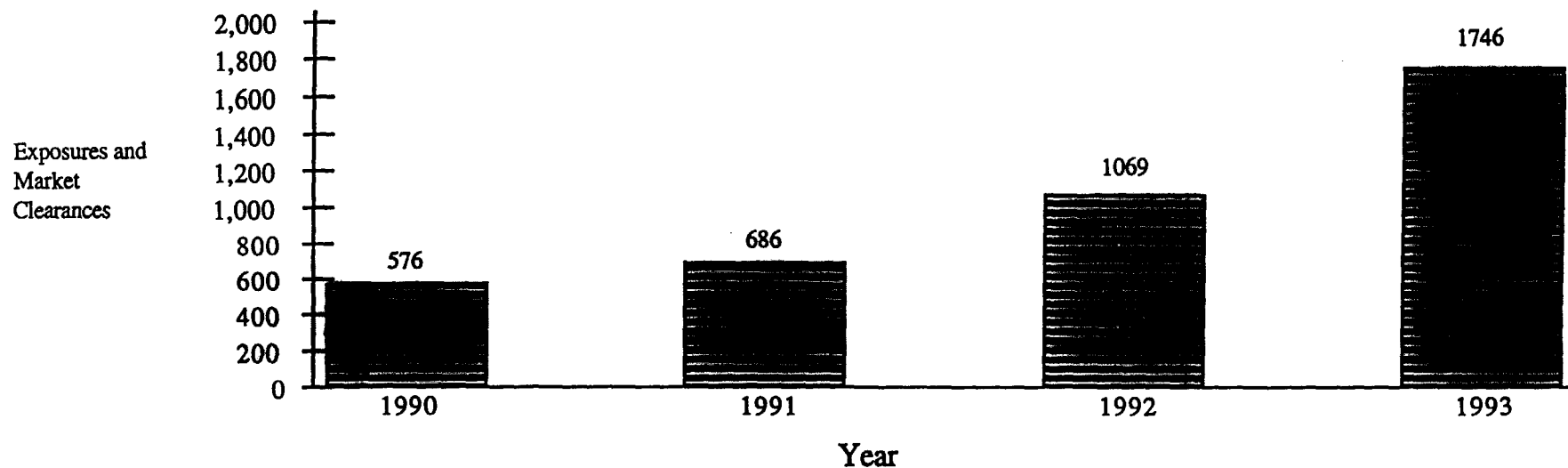
INTV's proposal, thus, is for a "safe harbor" approach which would clarify the government's expectations. At the same time, stations still could elect to satisfy the programming obligations of the Act in other ways. However, stations opting for such an

approach could subject their renewal applications to closer FCC scrutiny.

INTV is proposing that the FCC adopt a policy statement, as opposed to strict rules. Rules setting forth specific quantity, type and time requirements tend to eliminate licensee discretion and can straitjacket a station's efforts to be creative or responsive to changes in the marketplace or its community. The "safe harbor" approach would give stations the opportunity to explore alternative educational concepts or formats. Of course, a station deciding to opt for this approach and not provide an hour of "core" educational or informational programming would have to explain its reasons at renewal.

INTV supported enactment of the 1990 Children's Television Act. We believe the programming market has responded well. There is a delicate balance between stimulating a market, which has been accomplished, and restricting it through over-regulation. We all share the same goal -- providing the best educational and informational programming to this nation's children. INTV hopes that this Subcommittee will consider these factors as we move forward with the Commission's proceeding.

Syndicated Children's Educational and Informational Programs



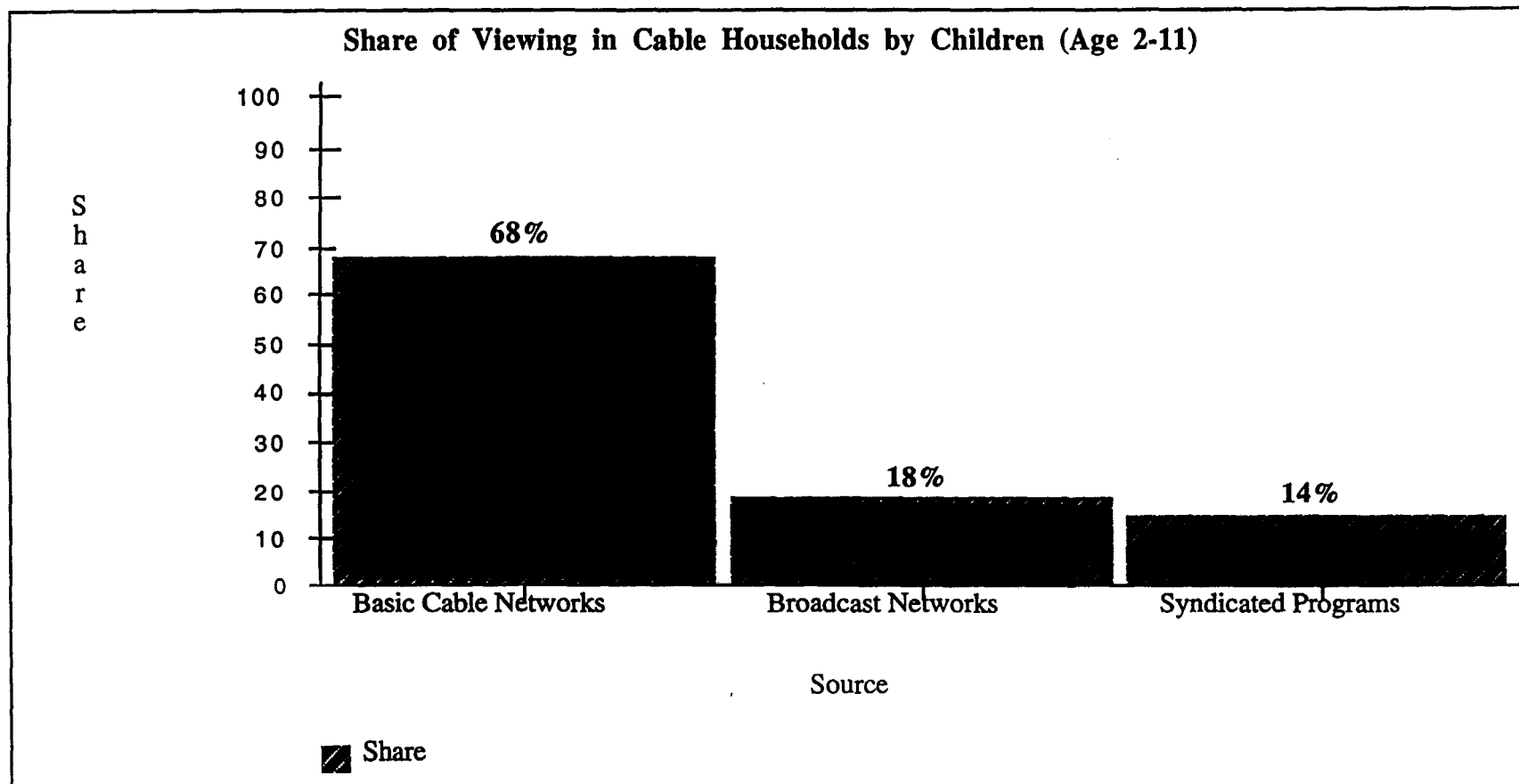
Captain Planet
 National Geo Special
 National Geographic Assignment
 Peppermint Place
 Quiz Kids Challenge
 WIDGET
 Young Peoples Specials
 Romper Room

Captain Planet
 Captain Planet (repeat)
 Kid's Club
 Not Just News
 Peppermint Place
 Romper Room
 Scratch
 Wide World Kids
 WIDGET
 Young People's Specials
 National Geographic

Beakman's World
 Captain Planet
 Children's Room
 Faerie tale Theatre
 National Geographic Special
 Not Just News
 Peppermint Place
 Real News Kids
 Romper Room
 Scratch
 Jacques Cousteau
 WIDGET
 Young Peoples Specials
 Zoo Life

Adventures in
 Wonderland
 Best of National
 Geographic
 Bill Nye Science Guy
 Captain Planet
 The Children's Room
 Energy Express
 Hallow Spencer
 Nick News
 Not Just News
 National Geographic
 New Adventures of
 Captain Planet
 Peppermint Place
 Real News for Kids
 Romper Room
 and Friends
 Scratch
 WIDGET
 What's Up Network
 Young Peoples
 Specials
 Jack Hannah's
 Animal Adventures

EXHIBIT A



Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C.

In the matter of

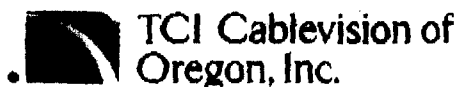
Policies and Rules Concerning
CHILDREN'S TELEVISION PROGRAMMING

Revision of Programming Policies
for Television Broadcast Stations

MM Docket No. 93-48

COMMENTS OF
THE ASSOCIATION OF INDEPENDENT TELEVISION STATIONS, INC.

EXHIBIT C



Contact:

Brad Nosler
TCI Cablevision of Oregon, Inc.
(503) 243-7426

For Immediate Release

October 2, 1995

TCI KID CONTROL PUSHES RIGHT BUTTONS FOR PARENTS, KIDS

TCI of Portland announces TCI Kid Control:

A remote control kids and parents will love.

(PORTLAND, OR) – TCI of Portland has listened to the concerns expressed by parents, politicians and educators and has come up with an upbeat product to help channel kids toward more wholesome TV fare.

TCI is introducing the TCI Kid Control™ – a special, child-friendly remote control designed to limit children's viewing choices to age-appropriate channels. Both Remote-A-Saurus™, a bright orange dinosaur, and Channel-Rover™, a cool sunglasses-sporting purple puppy, are eight-channel, universal remote controls, pre-programmed to kids' favorite channels.

Instead of numbers on channel buttons, TCI has installed the highly recognizable logos of the channels kids like to watch most. These pre-programmed channels include: The Disney Channel, Nickelodeon, The Discovery channel, and a local PBS affiliate, plus at least one button left free for local customization by the customer.

"Our recent customer research has indicated that today's parents are deeply concerned about what children are watching on television, and TCI Kid Control is a direct result of that feedback," said Marshall, executive vice-president chief operating officer, TCI. "The networks involved in this were quick to lend their support, and they broadcast some of the most highly acclaimed programming for children."

3500 SW Bond Street
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(503) 243-7426
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Additional responses to the public's demand for help in controlling what children watch include the V-chip, or violence chip, a computer chip that manufacturers will start placing inside television sets to filter programming. TV Guide and other companies are developing IOSG's, Interactive On-Screen Guides that will also let parents lock-out networks or programs they do not want children to view.

"In time there will be many technologies to help customers manage the choices that we give them," said Marshall, "but TCI Kid Control is an easy, affordable option that parents can use today."

TCI Kid Control remote controls are manufactured by Universal Electronics Inc., (UEI), sold through local TCI systems, and carry a suggested retail price of \$29.95. Beginning in the summer/autumn of 1995, TCI Kid Control remotes will be offered to TCI cable subscribers through point-of-purchase displays at TCI offices in the Portland-area, Direct Responses TV ads, direct mail offers, and bill insert offers.

"We're pleased to say that one dollar from each TCI Kid Control purchase is donated to the Public Broadcasting System to help that network continue to develop top-flight children's programming," Marshall said.

The TCI Kid Control remote comes packaged with a fun-filled TCI Kid Control Activity Book plus a box of TCI Kid Control color crayons. Additionally, parents receive an offer for a free issue of **Better Viewing** magazine, an award-winning publication geared toward helping families make informed television viewing decisions.

Because Disney is offered as a premium channel in Portland, there is a \$10 rebate for customers who add the Disney channel to their service.

"Kid Control is not only a fun product to offer our customers, but it is also a timely response to an important issue," said Brad Nosler, TCI's director of Marketing and Community affairs in the Portland-area. "We think it will be a big hit."

TCI of Portland serves approximately 82,000 subscribers in West Portland, Washington County, Linn, Oregon City, Gladstone, Clackamas County and West Multnomah County.

TCI Kid Control™, Remote-A-Saurus™ and Channel-Rover™ are all registered trademarks of Tele-Communications, Inc.. TCI is the nation's largest cable television company, serving 11.7 million U.S. subscribers in 49 states, with operations in nine foreign countries.

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